

REMARKS

In this Amendment, Applicant has amended Claims 20, 22, 27, 37, 39, 41, 44, and 45 and added new Claim 46 to overcome the rejections and further specify the embodiments of the present invention. In addition, the specification has been amended to add reference to a corresponding U.S. patent of a Swedish patent. Because the information is accumulative, it is respectfully submitted that no new matter has been introduced by the amended claims and specification. All claims are now present for examination and favorable reconsideration is respectfully requested in view of the preceding amendments and the following comments.

REJECTIONS UNDER 35 U.S.C. § 112 SECOND PARAGRAPH:

Claims 20 – 45 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is respectfully submitted that the rejections have been overcome by this amendment. More specifically, Applicant has amended Claims 20 and 22 to specify the terms pointed out by the Examiner. Other claims are also amended to clearly define the invention. Thus, the amended claims have overcome the informalities indicated by the Examiner.

Therefore, the rejection under 35 U.S.C. § 112, second paragraph, has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. § 112, second paragraph, is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103 (a):

Claims 20, 26 – 28, 30 – 34, 36 – 37, 39, 41 – 42 have been rejected under 35 U.S.C. §103 as allegedly being unpatentable over Lee (US 7,065,196) in view of Hara (US 6,895,241). Claims 21 and 44 – 45 have been rejected under 35 U.S.C. §103 as allegedly being unpatentable over Lee in view of Hara and further in view of Martin (WO 00/35178). Claim 22 has been rejected under 35 U.S.C. §103 as allegedly being unpatentable over Lee in view of Hara further in view of Trell (US 5,046,083). Claims 24 and 35 have been rejected under 35 U.S.C. §103 as allegedly being unpatentable over Lee in view of Hara and further in view of Trell (US 3,947,641). Claim 43 has been rejected under 35 U.S.C. §103 as allegedly being unpatentable over Lee in view of Hara and further in view of Franz (US 20070229569).

Applicant traverses the rejection and respectfully submits that the embodiments of present-claimed invention as amended are not obvious over the cited references. Especially, it is respectfully submitted that the Examiner has not fully considered Applicant's arguments involving Trell references. The Trell references were used for discussing prior art components in Lee and Martin. Applicant respectfully submits that because of failure to consider these discussion parts, the Examiner overlooked some important technical/factual elements of previous arguments and present invention.

The present application claims its priority from SE 05/000236, and relates to the “prior art group B – ‘entrance telephone systems’ (e.g. SE 7308086-3)” as shown in the specification (see page 1: Background of the invention). The U.S. counterpart patent of SE 7308086-3 is U.S. Pat. No. 3,947,641, both of which are used as general prior art references in the discussion of Lee. This was pointed out in previous arguments. Those arguments remain valid, important and should be consistently considered.

The arguments on page 14, paragraph 2 in the previous response of October 14, 2009 did not mention Trell. However, they should be fully considered. Examiner alleges that “the resident cannot use caller ID”, whereas the complete argument was “Thus, in this situation, the resident ... ” (emphasis added). It follows from these arguments and those on pages 11-12 of the previous response that Lee, when (by step 108) stating: “and

the resident can unlock the gate for the visitor", simply uses prior art (group B) that is well-known and general tonal open command over the speech channel of "the phone call" (cf. [N.B. as prior art] US 3,947,641 Col 4, lines 60-63) which, as shown by prior art, group B entrance telephone systems is immediately available and perfectly specified/secured by means of the initial number discrimination.

The sections of Lee cited by the Examiner (col. 4, lines 5-28) support rather than contradict the above understanding. The description on lines 5-18 relates to technical matters that are to be found again in Martin. The description from lines 20-28 clearly relates to a methodology that is seen again in Martin. They failed to disclose or suggest the present invention's method of the resident (B-replier) opening for the access requesting visitor by means of a call made by the visitor and caller-ID. Lee (see step 108, Fig 3, col. 3, lines 4-5 and/or col. 5, lines 2-4) also failed to propose/show that the resident actively cuts off the visitors "phone call" for in turn making its own phone call to "entrance intercom system disclosed in the present invention" (Lee, col. 4, line 60).

The Examiner alleged in the Office Action of July 16, 2009 that Lee "perform[s] an authorized service function, i.e. provide access" (see page 6, the second step, line 4) and "said action or access" (the third step, lines 4-5). The amendment mentioned in previous response of October 14, 2009 refuted such understanding (see page 13, the second paragraph from bottom, of the previous response). In turn, Examiner changed the descriptions on what was disclosed by Lee (see pages 5 – 6 of the current Office Action), although citing the same sections of Lee.

Applicant respectfully disagrees with Examiner's changed descriptions on what was disclosed by Lee (see page 6 of current Office Action, page 6), e.g. "when said B-replier wishes to grant said visitor said requested access" (second step, line 5) and "accomplishing by said device said requested access" (third step, lines 4-5). There is no support or suggestion in Lee for the above features. Lee fails to disclose that a visitor uses its own communication device to contact the resident. Further, Lee does not disclose that the contacted resident grants the visitor access by a) disconnecting the visitor's call,

b) dialing the number of the entrance intercom system, c) calling and d) thus indicating her/his caller ID to the entrance intercom system so that same opens the lock.

In addition, Applicant respectfully disagrees with Examiner's analysis and representation of Martin on page 9 of the Office Action. A proper interpretation of Martin must be from the view of a person of ordinary skill in the art according to the reality of the technology development. It is well known in the art of mobile telephony that a mere placing of two conversing mobile phone units side by side does not constitute near communication. A general exemplification of this fact is shown in e.g. US 2004/0229569 to Franz, page 2, col. 2, lines 6-10. Examiner alleges that "Martin: the visitor places utilized mobile telephone against a 'cradle' or other means Fig. 1, el. 1", which omitted a critical qualifier of the present invention: "for near communication" and the fact that Fig.1 does not show any separate and designated near communication means. Martin shows a "central processor" 10 and two mobile telephone units 11 and 12 conversing in an entirely conventionally connected mobile call (page 4, paragraphs 1-2). They appear near in Fig.1. However, if one extends the directions of the arrow from 11 and the line coming into 12, one sees that they avoid 10 and meet far outside of Fig.1 (Central Office/Base Station), illustrating the lack of actual and separate means for near communication for 11-10.

Further, Applicant disagrees with Examiner's view on page 9 that Martin involves a B-replier. Not being a standard term in the art, such as Base Station, Subscriber, Mobile Phone etc., B-replier has to be understood as disclosed and defined according to the present invention and application, which is "an authorized person or machine, other than said device, with authority to grant or deny access." Moreover, this B-replier is called up by a visitor who wants access and the B-replier can evaluate and make an informed decision on whether to grant or deny the wanted access. When granting access, the B-replier will make a call on its own initiative to the entrance device. When denying access, B-replier just refrains from calling. Examiner's view (page 9, lines 8-7 from end) "the replier reads on telephone unit Fig.1, el 12", contradicts that the same telephone unit previously was stated as "cradle", which appears to be the only intelligible interpretation

of the mentioned passage: "Martin: the visitor ... etc.". In addition, this telephone unit cannot possibly meet the marks of a B-replier, e.g. being a third party whose non-“registered” mobile phones can call to be granted access, or “an authorized person or a machine, other than said device, with authority to grant or deny access.”

It appears that Examiner has not considered the remarks offered on pages 12 – 13 of the response of October 14, 2009. Yet, they were free of reference to “Trell.” They answered Examiner’s queries and included more relevant and vital technical facts and information regarding the present invention in comparison with prior art, which, if considered, could avoid the misunderstandings of the B-replier.

The previous response also showed that Lee already included a Martin equivalent and that thus further combining Lee with Martin is redundant, because it will not alter the Lee functionality.

It appears that Examiner’s changed view on the content of disclosure of Lee in the Office Action (pages 4-5) is mainly the result of changed view on “B-replier” (from that on page 6, Office Action of July 16, 2009 to the present view). However, such changed interpretation of “B-replier” does not have support in Lee. This view also contradicts the characterization of Hara on page 5-6 of the Action, especially when one compares with what Hara actually clearly and indisputably teaches.

Moreover, there is no conceptual difference between Martin and Hara. It is respectfully submitted that a person of ordinary skill in the art would not replace Martin by Hara because there was no such motivation and the replacement would be ineffective.

In Hara, the person who is requesting the service is described as the resident (abstract from line 17; col.3, lines 39-55). The "service provider" (Fig.1, 1) may be a locker cabinet for the access accomplishing device. The disclosed access accomplishing device (Fig.1, 1 and/or 2) is partly computer 21 and/or 12a. The resident can make a mobile phone call to 21 or 12a (although no telecommunication interface showed, a

person of ordinary skill in the art would know that such interface exists. Otherwise, the mobile phone cannot be called). If the calling phone is registered, the called computer can open the door 11 for the resident (Col. 3, lines 39-45, Col. 4, lines 15-23, 54-60, and 61-Col 5). Fig.1 of Martin similarly shows an access accomplishing device 10, which can open a connected door 17, when called by a resident's registered mobile telephone 11.

A comparison between Fig. 2 of Hara and Fig. 2 of Martin reveals their equivalency. Both systems start with detecting ID when receiving a call. In Hara, S2 asks whether the telephone number was registered. The same is done by 25 in Martin. Some optional and quite similar side/sub-routines includes that S6+7 allow a numerical code from an outside keypad in Hara, and 21-24 similarly allow calling mobile phone in Martin. S7 in Hara and 26 in Martin both check numerical authorization; and upon acceptance, S8+S9 in Hara and 27 in Martin will open the door. None of them is a third party or makes a door-open call.

It is respectfully submitted, that Lee/Hara makes no subject matter difference over Lee/Martin. Accordingly, Applicant respectfully maintains that the arguments of the response of October 14, 2009 are still relevant, except where 'Martin' should be substituted by 'Hara', and, where otherwise considered objectionable, 'Trell' can be substituted by 'group B, entrance telephone systems' or the like.

Lee in any case still stands as the evidence of what one of ordinary skill in the art without the benefit of hindsight would accomplish by a combination which is redundant. Because Lee does not provide any of the features and advantages of the present invention, and in absence of the original and innovative methodology of the present invention, Lee just simply and separately maintains respective group B entrance telephone system in Martin/Hara with all their limitations and disadvantages.

In summary, none of the cited referenced alone or in combination suggests or discloses the present invention as claimed. Therefore, the rejection under 35 U.S.C. § 103

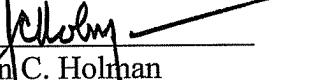
has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. § 103 is respectfully requested.

Having overcome all outstanding grounds of rejection, the application is now in condition for allowance, and prompt action toward that end is respectfully solicited.

Respectfully submitted,

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